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**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH, CENTRAL DIVISION**

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SMASH TECHNOLOGY, LLC, a Nevada  
limited liability company; and MICHAEL  
ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware  
limited liability company; JERRY “J.J.”  
ULRICH, an individual; and JOHN DOES  
1-3;

Defendants.

**DECLARATION OF JERRY J. ULRICH  
IN SUPPORT OF DEFENDANTS’  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Civil No. 2:19-cv-00105-TC

Judge Tena Campbell

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I, Jerry J. Ulrich, declare as follows:

1. I am over 18 years of age and competent to testify about the following on the  
basis of my own personal knowledge and information.

2. When Solutions was formed, Ulrich was the sole member and manager. As of today's date, Ulrich is still the primary manager of Solutions.

3. By April 2014, several other persons had become members of Solutions, including Samuel Potter ("**Potter**").

4. The current officers of Solutions are Ulrich as Chairman, Kevin C. Kern ("**Kern**") as President, and Sarah A. Ulrich ("**Sarah**") as Vice President.

5. Ulrich invented the technology and infrastructure for the business software suite. His experience working with big data aggregation and data collection created the initial system that Solutions is developing, with the intent to market it commercially.

6. The software is a data collection platform that has CRM (Customer Relationship Management) capabilities.

7. Solutions owns all intellectual property rights (the "**IP**") to the software (the "**Software**").

8. Solutions began developing this software in 2012 in Salt Lake City, and later in India and Brazil, long before Alexander became affiliated with Solutions.

9. Beginning in 2012, Solutions began preparing a "**Build Plan**" and completed it in 2014. The Build Plan consists of nearly 6,000 pages.

10. The build plan was not shared with Alexander.

11. This Agreement has never been canceled and remains in force.

12. Solutions provided its Build Plan to Feracode when it was complete, and Feracode has been executing it.

13. Feracode continues to write code and perform according to the Feracode-Solutions Agreement.

14. Solutions and Ulrich continue to make payments according to the Agreement.

15. Solutions continues to perform under the Feracode-Solutions Agreement, which predated the Feracode-Technology Agreement.

16. Solutions remains in possession of the IP, and it has never transferred the IP to Technology.

17. Solutions has never entered into any contract with Michael Alexander or Technology.

18. While initial steps were taken toward dissolving Solutions, no articles of dissolution have been signed or filed with the Utah Department of Commerce and a winding up of its affairs has not occurred.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 23<sup>rd</sup> day of May, 2019.

/s/ Jerry J. Ulrich  
JERRY J. ULRICH  
(Original on file at RBMN)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24<sup>th</sup> day of May, 2019, I electronically filed the foregoing **DECLARATION OF JERRY J. ULRICH IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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